IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 118 OF 1985

1. Shri Gulab Hasham Mulla
since deceased by heirs
1(a) Smt.Madinabi Gulab Mulla
and ors. .. Petitioners

Vs.

1. Smt. Ashrafbi Karim Mulla
since deceased by heirs
1-(1) Unus @ Enayatulla Karim Mulla
since deceased by heirs
1(1)(a) Smt. Hanifa Unus Mulla
and ors. .. Respondents

Shri A.R. Shaikh for petitioners.
Smt. Anjali Helekar for respondent nos.1(1)(a) to 1(1)(h).
Mr. B.M. Shaikh for respondent nos.3(1) to 3(7) absent.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2006.

P.C.:

1. In this petition the petitioner prays for a declaration that he is a deemed purchaser of the land and for consequently effecting the mutation entries.

2. In Writ Petition No.2088 of 1985 decided today the status of the petitioner qua entire suit land admeasuring 7 acres and 5 gunthas as well as Ashrafbi or her LRs. in respect of the half of the suit land has been decided and it has been directed that in respect of half of the land held by the petitioner as a direct tenant, the purchase price shall be fixed and in respect of the remaining half in respect of which Ashrafbi was the tenant and the petitioner was her sub-tenant, the proceedings under Section 32G read with Section 32I of the Tenancy Act have been directed to be continued and completed by the ALT as per law before 30th September, 2006. Once both these inquiries are completed the rights of the respective parties would be clear and consequently the Revenue Authorities will be duty bound to effect the mutation entries. Under these circumstances, issue raised in this petition by the respective parties need not be gone into and the said issue will be subject to the final orders to be passed in the fresh inquiry to be conducted by the ALT pursuant to the decision in Writ Petition No.2088 of 1985.

3. The petition is, therefore, disposed of as infructuous and the status quo, as at present, shall continue to prevail till fresh mutation entries are carried out by the authorities concerned.

(B.H. Marlapalle,J.)